

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DARRELL SMITH, on behalf of himself :  
Individually and all others similarly situated, : 08 Civ. 0498 (DAB)(KNF)  
Plaintiff, : **NOTICE OF MOTION**  
v. :  
PIONEER CREDIT RECOVERY, INC., :  
Defendant. :  
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C O U N S E L:

PLEASE TAKE NOTICE that, upon the Affidavit of Andrew Kouroupos, sworn to March 10, 2008, the Affidavit of Brian K. Gallagher, sworn to March 10, 2008, and the accompanying Memorandum of Law, the defendant, Pioneer Credit Recovery, Inc. ("Pioneer"), by its attorneys, Gallagher, Harnett & Lagalante LLP, will move this Court, before the Honorable Deborah A. Batts, United States District Judge, at the United States Courthouse, 500 Pearl Street, New York, New York, at a date and time set by the Court, pursuant to Fed. R. Civ. P. 12(b)(6), for an order dismissing plaintiff's Complaint with prejudice and awarding Pioneer such other, further and different relief as this Court deems just and proper.

Dated: New York, New York  
March 10, 2008

GALLAGHER, HARNETT & LAGALANTE LLP  
Attorneys for Defendant  
Pioneer Credit Recovery, Inc.

By:

  
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Brian K. Gallagher (BG 6377)  
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